

UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF )  
 )  
Alaska LNG Project LLC ) FE DOCKET NO. 14-96-LNG

**COOK INLETKEEPER AND CENTER FOR BIOLOGICAL DIVERSITY  
MOTION TO INTERVENE**

Cook Inletkeeper and Center for Biological Diversity (movants) move to intervene out of time to address issues raised by the U.S. Department of Energy’s (DOE or Department) draft supplemental environmental impact statement (DSEIS) for the Alaska LNG Project. Movants and their members have interests that would be affected by the Alaska LNG Project and have good cause for moving to intervene now. Their intervention would not impact the proceeding. If any party opposes this motion, we respectfully request leave to reply. *Cf.* 10 C.F.R. §§ 590.302, 590.310 (allowing for procedural motions and briefing in these cases).

**I. MOVANTS’ INTERESTS ARE AFFECTED BY THE ALASKA LNG PROJECT.**

Cook Inletkeeper is a private community-based nonprofit organization dedicated to protecting the vast Cook Inlet watershed and the life it sustains. Since its inception in 1995, Cook Inletkeeper has relied on research, education, and advocacy to become a leader in watershed-based protections in the rich but threatened streams, lakes, and estuaries of the Cook Inlet watershed and Cook Inlet itself. Cook Inletkeeper has thousands of members and supporters throughout the Cook Inlet watershed who depend on healthy fisheries and tourism businesses in Cook Inlet.

The Center for Biological Diversity (the Center) is a nonprofit group and incorporated in the State of California. Founded in 1989, the Center has more than 89,610 active members who

live in Alaska and throughout the United States, as well as other countries. The Center works to ensure the long-term health of animal and plant communities around the globe and protect the habitats species need to survive. The Center believes the health and vigor of human societies and natural environment are intricately linked. As part of our mission, the Center continuously monitors, educates the public about, and engages in governmental actions and decisions affecting imperiled species, their habitats, and our climate. The Center regularly engages in administrative and legislative advocacy, education, and, where necessary, litigation to ensure our nation's environmental laws are upheld, implemented, enforced, and improved. Among the laws we work on are the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and others. This work has brought the Center to the forefront in the battle to reverse climate change and the extinction crisis.

Movants and their members have direct interests in avoiding the environmental harms the Alaska LNG Project will cause. Movants' members' use and enjoyment of Cook Inlet, the North Slope, and other parts of the project area across the state would be harmed by the environmental and aesthetic impacts of the Alaska LNG project, including the construction and operation of the facility and associated infrastructure, increased shipping traffic, and emissions associated with all phases of the process from gas production to combustion. Expansion of gas infrastructure and increases in gas production caused by the approved gas exports will damage air, land, and water resources on the North Slope, diminishing movants' members' use and enjoyment thereof. Movants' members would be harmed by the global impact of investing in long-lived fossil fuel infrastructure, including expanding or prolonging reliance on fossil fuel use internationally, which is inconsistent with emission reductions necessary to avert catastrophic climate change.

Finally, movants and their members have an interest in ensuring adequate public disclosure of all environmental, cultural, social, and economic consequences in the DSEIS.

## **II. MOVANTS' POSITIONS.**

Movants' positions are that the analyses and disclosures in the Department's DSEIS do not satisfy NEPA and, if corrected, would demonstrate that the proposal is contrary to the public interest. Movants' positions are described in greater detail in movants' comments on the Department's DSEIS filed today via regulations.gov.

## **III. THERE IS GOOD CAUSE FOR THE MOTION'S TIMING AND NO UNDUE IMPACT ON THE PROCEEDINGS.**

DOE may permit motions to intervene out of time for good cause and after considering any impact that granting the late motion would have on the proceeding. 10 C.F.R. § 590.303(d). There is good cause to grant this motion to intervene because it was submitted during the DSEIS comment period and was prompted by issues and positions raised for the first time in the DSEIS. On November 17, 2014, when motions to intervene were initially due in this proceeding, DOE had not prepared or foreshadowed any analysis purporting to evaluate the Alaska LNG Project's lifecycle greenhouse gas emissions. 79 Fed. Reg. 55,764, 55,765 (Sept. 17, 2014). Therefore, this is the first opportunity to intervene on the basis of such an analysis.

Granting intervention would serve NEPA's purposes by protecting movants' full participation in the NEPA process, including, if appropriate, the opportunity to request rehearing by the Department. *See* 10 C.F.R. § 590.501 (providing that any aggrieved "party" may apply for rehearing). Likewise, granting intervention would have no undue impact on the proceedings because movants only seek to pursue issues raised in the NEPA process, which is already ongoing. Whenever possible, movants will endeavor to coordinate joint filings with Sierra Club—who is already a party—further reducing any impact on the proceedings. Consistent with

NEPA's purposes, Federal Energy Regulatory Commission rules implementing NEPA specify that intervention is not late when prompted by an EIS. *See* 18 C.F.R. § 380.10(a)(1)(i). We request that DOE grant intervention here for the same reasons.

#### **IV. SERVICE.**

Pursuant to 10 C.F.R. § 590.303, movants identify the following persons for service of correspondence and communications regarding these applications.

Cook Inletkeeper:

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Cook Inletkeeper  
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#### **CONCLUSION**

Cook Inletkeeper and Center for Biological Diversity therefore move to intervene in the proceedings for the Alaska LNG Project because the analyses and disclosures in the Department's DSEIS do not satisfy NEPA and, if corrected, would demonstrate that the proposal is contrary to the public interest.

Respectfully submitted this 15th day of August, 2022,

*s/ Erin Colón*

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*s/ Elizabeth Jones*

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FE DOCKET NO. 14-96-LNG

**CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE FOR  
COOK INLETKEEPER**

Pursuant to 10 C.F.R. § 590.103(b), I, Erin Colón, hereby certify that I am a duly authorized representative of Cook Inletkeeper and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy, on behalf of Cook Inletkeeper, the foregoing documents in the above captioned proceeding.

Respectfully submitted this 15th day of August, 2022,

*s/ Erin Colón*

Erin Colón

Senior Attorney

EARTHJUSTICE

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**CENTER FOR BIOLOGICAL DIVERSITY CERTIFIED STATEMENT OF  
AUTHORIZED REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, Elizabeth Jones, hereby certify that I am a duly authorized representative of the Center for Biological Diversity (Center), and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of the Center, the foregoing documents and in the above captioned proceeding.

Executed at Los Angeles, CA on August 15, 2022,

*s/ Elizabeth Jones*

Elizabeth Jones

Staff Attorney

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**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R. § 590.107, I hereby certify that on August 15, 2022, I caused the foregoing MOTION TO INTERVENE to be served on the applicant and all other parties by U.S. First Class mail.

Respectfully submitted this 15th day of August, 2022,

*s/ Erin Colón*

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**VERIFICATION FOR COOK INLETKEEPER**

Pursuant to 10 C.F.R. §590.103(b), I, Erin Colón, as authorized representative for Cook Inletkeeper, affirm that I have read and have knowledge of the facts alleged within the foregoing MOTION TO INTERVENE.

Respectfully submitted this 15th day of August, 2022,

*s/ Erin Colón*

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**CENTER FOR BIOLOGICAL DIVERSITY VERIFICATION**

Pursuant to 10 C.F.R. § 590.103(b), I, Elizabeth Jones, hereby verify under penalty of perjury that I am authorized to execute this verification, that I have read the foregoing document, and that the facts stated therein are true and correct to the best of my knowledge.

Executed at Los Angeles, CA on August 15, 2022,

*s/ Elizabeth Jones*

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Elizabeth Jones  
Staff Attorney  
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